THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23325 of 2006

27.11.2006

Between:

M/s.Sri Lakshmi Gayathri Hotels Private Limited, represented by its Managing Director, D.V.S.Somaraju

… Petitioner

AND

The Mandal Revenue Officer, Ameerpet Mandal, Hyderabad

And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23325 of 2006

ORDER:

The petitioner herein is a company, which purchased an extent of 8768 Sq.meters in R.S.No.8 (T.S.Nos.15/1 and 15/2, Ward 87, Block F of Somajiguda) from Syed Mohsin, obtained necessary orders for change of land use and building permission from Municipal Corporation of Hyderabad (MCH). The petitioner also constructed a hotel in the name and style of Katrina Hotel. When there was a move by the respondents to dispossess the petitioner pursuant to orders under Sections 10(3) and 10(5) of the Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act, for brevity), petitioner filed W.P.No.11299 of 2002. The same was admitted and an interlocutory order was passed in WPMP No.13915 of 2002 directing the respondents not to interfere with the petitioner's possession. The said writ petition is still pending. The first respondent herein again issued notice dated 24.10.2006 purportedly under Section 7 of A.P. Land Encroachment Act, 1905 (the Act, for brevity), calling upon the petitioner to remove encroachments on Government land to extent of 3075 Sq.meters in T.S.No.15/1. Aggrieved by the same, the present writ petition is filed.

Learned Counsel for petitioner submits that after receiving notice under Section 7 of the Act, petitioner has submitted explanation on 09.11.2006 and even before considering the same, first respondent is bent upon dispossessing the petitioner ignoring the interim orders passed by this Court in WPMP No.13915 of 2002. **Opposing** the writ

petition, learned Assistant Government Pleader for Revenue (ULC) submits that even before this Court passed interim orders on 26.6.2002, the Special Officer-cum-Competent Authority under ULC Act handed over possession of the subject land on 20.5.2002 and thereafter the petitioner again chose to file W.P.No.11299 of 2002. He further submits that the petitioner has already submitted explanation and the MRO will consider the same and pass necessary orders.

After receiving the impugned show cause notice under Section 7 of the Act, petitioner has admittedly submitted explanation. The petitioner also brought to the notice of the MRO about the pendency of W.P. No.11299 of 2002 and it is for the MRO to consider this aspect and pass appropriate orders. As the matter is at the notice stage, this Court is not inclined to interfere. However, it may be observed that the MRO shall have to keep in mind pendency of W.P.No.11299 of 2002 filed by the petitioner, challenging the order of the Commissioner of Appeals confirming the order of the Special Officer in the proceedings under ULC Act. The MRO may pass orders within a period of ten (10) days from the date of receipt of a copy of this order. Liberty is also reserved to the petitioner to produce all necessary material if any which has not produced earlier for consideration of the MRO.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

November 27, 2006. (**V.V.S.RAO, J**)

YS